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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,006	03/16/2004	Yoh Masuyama	250448US2	1585
22850	7590	07/15/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
GAMIL TEJAL				
ART UNIT		PAPER NUMBER		
2121				
NOTIFICATION DATE		DELIVERY MODE		
07/15/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 10/801,006	<b>Applicant(s)</b> MASUYAMA ET AL.
<b>Examiner</b> TEJAL J. GAMI	<b>Art Unit</b> 2121

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 28 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_ (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) \_\_\_\_\_.  
13. ☒ Other: See Continuation Sheet

/Albert DeCady/  
Supervisory Patent Examiner, Art Unit 2121

/Tejal J Gami/  
Examiner, Art Unit 2121

Continuation of 11. does NOT place the application in condition for allowance because: The claims as written are taught by the prior art cited in the previous office action. Therefore, applicant's arguments are deemed not persuasive.

Continuation of 13. In direct response to Applicant's arguments the following are the Examiner's observations in regard thereto:

Applicant Argues: In rejecting the above emphasized features recited in independent Claim 1, the Office Action again relies on paragraphs [0041], [0069], and [0073]-[0074] of Bala. More specifically, the Office Action, at p. 4, asserts that the client 150 of Bala is analogous to the claimed image forming apparatus and the server 110 is analogous to the claimed external apparatus. As described at paragraph [0041], the client 150 runs a browser application, which allows the client to access a server 170 containing an initial launch web page for a strategic client planning system. The web server 170 also includes a login applet that is sent to the client upon initial startup of the strategic client planning system and allows the client to establish an initial connection to a database 160 residing on a remote database server computer 110. Thus, paragraph [0041] describes a process by which a client computer 150, which is already connected to a server 170, is able to access a database 160 residing on a remote database server 110. Accordingly, this cited portion of Bala fails to teach or suggest a relay unit that is configured to present a display on the display unit indicating ongoing preparation of the application until the application becomes operational when said control unit provides the logical connection with the external apparatus. Instead, this portion of Bala merely describes a process of logging in to a remote database with which a connection is already established by way of a plurality of server computers, and fails to teach or suggest presenting a display indicating ongoing preparation of the application until the application becomes operational when said control unit provides a logical connection with the external apparatus.

Examiner Responds: See prior art where Bala discloses "a relay unit (e.g., client) (see Paragraph [0069]) that is configured to present a display on the display unit (e.g., CRT display) (see Paragraph [0044]) indicating ongoing preparation of the application until the application becomes operational when said control unit provides the logical connection with the external apparatus (e.g., data is downloaded from the database to the client 150 and a user at the client may locally make changes to the database material, but not upload the changes to the database until they are satisfied that the modified plans are ready for use by processes or users executing on the database 160) (see Paragraph [0073]-[0074])." Examiner agrees that a physical connection between the server and database is already established. However, the prior art teaches a "logical" connection (e.g., query, update), different from a physical connection. Under such considerations, the prior art anticipates the claims as written.

Applicant's arguments have been fully considered but they are not deemed persuasive. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1] Interpretation of Claims-Broadest Reasonable Interpretation.